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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,731	08/08/2001	Sharad Sundaresan	MSFT-0688/180597.1	3961

41505 7590 06/15/2006

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EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,731

Applicant(s)

SUNDARESAN ET AL.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-6, 8-14 & 16.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 & 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following amended claim language “ the cluster 'cluster' having automatically switched processing for 'server' from a first server to a second server when the first server failed but not having provided any fail-over support to the Nam at the computing device to re-direct a request from the client from the first failed server to the working second server”, is ambiguous and does not clearly define the relationship between the limitations. A clearly stated claim language would be beneficial in proper examining of this application.

It would also be beneficial to clarify what is meant by receiving 'cluster' and 'server' on line 5 of claim 1, which states “device receiving 'cluster' and 'server' from the client application”.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-14 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruck et al (U.S.6,801,949 B1) and Brendel et al (U.S. 5,774,660).

5. As per claims 1 & 9 Bruck disclosed a method of connecting a client application at a computing device by way of a network access module (NAM) at the computing device to a server 'server' on a cluster 'cluster' having a plurality of servers instantiated thereon, the server being remote from the computing device, the method comprising: the NAM at the computing device receiving 'cluster' and 'server' from the client application; the NAM at the computing device sending a first request message to 'cluster' requesting first connection information for connecting to 'server'; the NAM at the computing device receiving from 'cluster' a first reply message containing the requested first connection information (col.27, lines 23-67 & col.28, lines 1-24); the NAM at the computing device connecting the client application to 'server' on 'cluster' based on the received first connection information, wherein once connected, the client application and 'server' may transact business (col.1, lines 21-43). [Burck shows the use of server in "e-commerce" services]; the NAM at the computing device determining that the connection to 'server' has failed, 'server' presumably having been moved from a first server of the cluster to a second server of the cluster, the received first connection information corresponding to the first

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server; the NAM at the computing device sending a second request message to 'cluster' requesting second connection information for connecting to 'server', the requested second connection information corresponding to the second server; the NAM at the computing device receiving from 'cluster' a second reply message containing the requested second connection information; and the NAM at the computing device connecting the client application to 'server' on 'cluster' based on the received second connection information, wherein once again connected, the client application and 'server' may again transact business (col.2, lines 38-65). However Bruck did not explicitly disclose in detail NAM at the computing device caching the received second connection information in a cache; the NAM at the computing device subsequently again receiving 'cluster' and 'server' from the client application; the NAM at the computing device retrieving the cached connection information from the cache; the NAM at the computing device connecting the client application to 'server' on 'cluster' based on the retrieved cached connection information.

In the same field of endeavor Brendel et al disclosed NAM at the computing device caching the received second connection information in a cache (col4, lines 5-16); the NAM at the computing device subsequently again receiving 'cluster' and 'server' from the client application; the NAM at the computing device retrieving the cached connection information from the cache; the NAM at the computing device connecting the client application to 'server' on 'cluster' based on the retrieved cached connection information (col.2, lines 41-52).

It would have been obvious to one in the ordinary skill in the art at the time the inventions was made to have incorporated connection information caching capability on the client device network acing module as disclosed by Brendel in the method of connecting a client application at

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a computing device by way of network access module to a server as disclosed by Bruck in order to make the client's connection process to the server fast and efficient resulting in robust and reliable network access service.

6. As per claims 2 & 10 Bruck-Brendel disclosed the method of claim 1 comprising sending each request message as a UDP (user datagram protocol) packet addressed to a UDP address of 'cluster' (Bruck col.14, lines 55-67 & col.15, lines 1-10).

7. As per claims 3 & 11 Bruck-Brendel disclosed the method of claim 1 comprising receiving each requested connection information including an address of 'cluster' on which 'server' is listening (Bruck col.8, lines 1-33).

8. As per claims 4 & 12 Bruck-Brendel disclosed the method of claim 1 comprising receiving each requested connection information including an address of 'cluster' on which 'server' is listening for packets formatted according to a VIA (Virtual Interface Architecture) protocol (Bruck col.7, lines 10-37 & col.8, lines 1-33).

9. As per claims 5 & 13 Bruck-Brendel disclosed the method of claim 1 comprising receiving each requested connection information including each address of 'cluster' on which 'server' is listening and a corresponding protocol associated with the address by 'server' (Bruck col.7, lines 10-37 & col.8, lines 1-33).

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10. As per claims 8 & 16 Bruck-Brendel disclosed the method of claim 1 further comprising: the NAM at the computing device determining whether the connected-to server is in fact 'server' and if not: the NAM at the computing device sending a new request message to 'cluster' requesting new connection information for connecting to 'server'; the NAM at the computing device receiving from 'cluster' a new reply message containing the requested new connection information; and the NAM at the computing device connecting the client application to 'server' on 'cluster' based on the received new connection information (Bruck col.2, lines 38-65).

Response to Arguments

11. Applicant's arguments filed 03 March 2005 have been fully considered but they are not persuasive.

12. The applicant argued that Burk reference does not disclose any NAM at a computing device that assist in accessing a server in a cluster by performing the actions recited in claims 1 and 9.

13. As to applicants arguments the examiner again interpreted Network Access Module (NAM) as a Network Interface Card(s) (NIC) disclosed by Bruck (col.7, lines 58-67 & col.8, lines 1-33, see figure 6, col.9, lines 60-67 & col.10, lines 1-27) which basically in conjunction with other services present at the client device assists in connecting client(s) to server(s) on a cluster and performs the functions of sending and receiving requests to and from the server along with all the actions recited in claims 1 and 9 are conducted through the NIC (col.8, lines 58-67 & col.9, lines 1-8). The examiner would like point out that by simply calling "Network Integration

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Card” (NIC) a “Network Access Module” (NAM) does not constitute to a patent when both devices are performing the same functions as described in the claim limitations.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

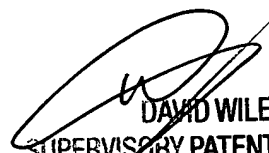
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AB

Asghar Bilgrami
Examiner
Art Unit 2143



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